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Original.

HISTORY OF LOWER CANADA.

(CONTINUED.)

At the result of the general elections, Lord Aylmer was completely lost in the political whirlpool into which his folly and ignorance had plunged him. At first, he resolved to call the new Parliament together on the 27th of January, 1835, and issued his proclamation for that purpose. But dreading to meet the Representatives of a people justly incensed against his partial and corrupt administration, he soon countermanded this call of the Legislature, and postponed it to the 21st of February following, when it was finally convened.

Although the Province had, during the past summer, suffered severely from the re-appearance of the Asiatic Cholera, which had again shown its pestilential malignity in a dreadful manner, and had hurried a vast number of the Colonists to the grave; although the best portion of the public lands had been unlawfully and unconstitutionally sold for a mere nominal price to a company of jobbers and speculators, residing in London, under the sanction of a bill smuggled through the Imperial Legislature, where Lower Canada was not at all represented; although Lord Aylmer had been embarrassed in the Administration of his government, on account of the refusal by the House of Assembly, to grant the supplies necessary to defray its expenses;—although he had been illegally and unconstitutionally advised to loan £31,000 from the military chest, to feed the hungry and starving officials, who were the true causes of all the misfortunes which were then afflicting the Province; and although Lord Aylmer had possessed no official means of knowing, whether this newly elected House would entertain the same political views as the former, yet His Lordship had deferred the convention of the Legislature to this advanced season of the year.

The strength of both parties in the House, was immediately tried by the election of the Speaker. Men of talents were indeed so few in the ranks of those who were ironically called "His Majesty's opposition" that they did not venture to select one of their own number, to oppose the popular candidate, but brought forward a Radical member to oppose Mr. Papineau's re-election. After some discussion, the votes were cast, and the office was again conferred upon Mr. Papineau, who found himself supported by 70 votes, whilst six members alone voted for the opposing candidate. The speech of the Governor, was far from being worthy to be ranked among the "seven wonders of the world." The House immediately formed into a committee of the whole, on the state of the Province. After several sittings, this committee, reported an address to the three branches of the Imperial Parliament, enumerating the heavy and intolerable grievances under which the Colony was suffering; & praying for a speedy remedy. The introduction of the elective system into the composition of the second branch of the Legislature, was adverted to in these addresses, as well as in the reply of the House to the Governor's speech.

A bill naming John Arthur Roebuck, Esq., a member of the House of Commons, in England, as Agent of the Province, was introduced and passed by the House, but rejected by the Legislative Council. His appointment however was confirmed by a resolve of the House.

The illiterate and insolent speech of Lord Aylmer, at the close of the last session of the preceding Parliament, was censured in high terms by the House; who regarded it, as a great encroachment upon their rights and privileges. The bills to ensure the free exercise of the elective franchise in the cities, by removing the troops during the time of election; the bill to allow the people to choose their own Township and Parish officers; that to facilitate a legal remedy to such persons as have claims and demands on His Majesty's Provincial government; and another bill continuing several important acts, which were about to expire by limitation, were all passed by the House, but either found a premature death in the "wholesale slaughter house" the Legislative Council, by being totally rejected, or by being so amended as not to receive the concurrence of the House.

An investigation of the official conduct of Charles Bridgeman Felton, the Prothonotary of the Courts of the District of St. Francis, for his exactions and misconduct, was determined upon by the Assembly, but by a timely resignation of his office, on the part of the offender, this investigation was avoided.

An examination of the conduct of Wm. Bowman Felton, was commenced, in relation to his management as Agent for the settlement of some Townships in the District of St. Francis. Our readers will find in the course of this History, how this royal robber had fattened himself with the best part of the spoils, by which means he had feathered his own nest, in such a prodigious manner, as to live like a Prince. Henry Jessopp the collector of Customs at the port of Quebec, being called before a committee of the House, and having peremptorily refused to submit to that committee certain papers then in his possession, was sent to the Quebec jail, where he had sufficient time to reflect upon his folly in disobeying the mandates of the people's great national tribunal. The law clerk of the House, who had once been a Reform member of that body, but whom poverty had tempted to become a beggar of lucrative offices from the Executive, had at last obtained a reward for his political apostasy—and besides being appointed Grand Foyer for the District of Three Rivers, was also appointed an Executive Councillor. Under such circumstances, the House thought proper, to give an opportunity to the Honorable member of His Majesty's Provincial Executive Council, to attend to his official duties, and accordingly replaced him, by appointing an other person to the office of Law Clerk.

But this session which, from the beginning, promised nothing auspicious to the country's welfare, was soon brought to an end by the narrow-conceitedness and selfishness of the Governor. The House of Assembly having requested His Excellency to advance, on a vote of credit of that body, the monies necessary to defray its contingent expenses, were refused under several specious and frivolous pretences. The House resented the insult, and passed resolves censuring the conduct of the Governor. The members immediately dispersed and from want of a quorum to transact business, the Legislative proceedings were brought to a close. The Parliament was prorogued on the 18th of March and the only bill to which both branches had assented, was reserved by His Excellency, for the King's sanction.

It was evident, from these transactions, that it was impossible under the present aspect of affairs, that harmony could exist between the three different branches of the local government. The Legislative Council was composed of members opposed to the wishes and welfare of the majority of the Canadian people; Lord Aylmer by his folly and want of discretion, had openly sided against the representatives elected by the people, and the House was firmly resolved to do its duty, whatever might be the consequences. The Tories had deputed to London, two of their most influential and talented members,

William Walker, Esq., the unsuccessful candidate for the West Ward of Montreal, and John Neilson, Esq., once the zealous friend of the people's rights, and their Provincial Agent in 1823 at the Imperial government; the first man that advocated the practicability of introducing the elective system into the Legislative Council, as may be seen by his testimony before the committee of the House of Commons, but who, from private motives and interest, had abandoned the liberal ranks, & thrown himself into the Tory party. On the other side the Radicals seemed not to be idle, and Reform Associations were formed throughout the Province.

It was currently reported that Lord Aylmer's administration was drawing to an end, soon to be superseded by one of a more conciliating character. The instability of the English Cabinet, which was alternately fluctuating between the Tories and Whigs in England, had been the cause of a great deal of delay; but at last it was officially announced that a commission to inquire into and remedy, to a certain extent, all the grievances of the Province, had been named in England, to proceed forthwith to Lower Canada. Lord Gosford, a man of very inferior intellectual faculties, was to be at the head of this *humbly* commission, whilst his two associates, Sir George Gipps and Sir Chas. Grey, were to act upon the feelings of both parties in Canada, and the three jointly, were especially instructed, to make the best adjustment they possibly could, under the present state of affairs, in that distracted Colony. Although the majority of the people, placed no confidence whatever, in their integrity and honesty of purposes, yet their arrival was hailed as the auspicious signal for the departure of the detested and blood-stained Aylmer, who twice had, most insultingly, exulted in the spilling of Canadian blood. Despised by the Radical party, laughed at by the Tories, who used to call him the "old woman" Lord Aylmer, as he departed from Quebec, must have perceived how few were his friends, when he was divested of that power, which gave bread and butter to the hungry officials and office seekers, who had led him to commit himself so far against the true interests of the people.

Some would have believed that this sad lesson of Lord Aylmer's disgraceful downfall, would have warned his successor against following in his footsteps. But alas! British policy had decreed the political slavery of the Canadas, and the mission of this extraordinary triumvirate, was only to sweeten the bitter pill, so as to induce the Canadians to swallow it without resistance, or to force it down with the open and high-handed violation of all constitutional principles.

The Provincial Legislature was convened on the 27th of October, 1835, when His Excellency Lord Gosford, delivered the most honied speech that ever fell from the lips of a Colonial Governor. He told them that he was authorized to pay the contingent expenses of both Houses, which had been so unconstitutionally refused by His predecessor. The seat in the Legislative Council, of the defalcator, the late Receiver General, Sir John Caldwell, Bart, was to be rendered vacant. In the choice of the government officers, he was to preclude partiality and national prejudices, and said that "fitness for office was the true criterion to which mainly, if not entirely, he was to look; and he did not hesitate to avow the opinion, that in every country, to be acceptable to the great body of the people, was one of the most essential elements of fitness for public station." But to put the climax to his hypocrisy and his deceitful mission, Lord Gosford in addressing himself to the poor and too confiding French Canadians, made use of the following language, which however he betrayed in the most scandalous and flagrant manner in the course of his crafty and evil-designing administration. "To the Canadians of French origin, I would say: Do not fear that there is any design to disturb the form of society, under which you have so long been contented and prosperous. How-

ever different from those of her Colonists in other parts of the world, England cannot but admire the social arrangements by which a small number of enterprising Colonists have grown into a good, religious, and happy race of Agriculturists, remarkable for their domestic virtues, for a cheerful endurance of labour and privations, and for alertness and bravery in war. THERE IS NO THOUGHT of endeavouring to break up a system which sustains a dense rural population, without the existence of any class of poor." Were it possible, for argument's sake, to suppose that Lord Gosford was sincere in what he then professed to believe, the state of social arrangements in Lower Canada, now could he afterwards, unless he was a traitor to his own convictions, recommend the harsh policy, which he did to the Colonial Secretary, in order to coerce this pretended happy people into unconstitutional measures, which were calculated to subvert that very form of society which he had so much admired. He was either a designing knave, who did not believe what he was saying, to win the confidence of the Canadians, or else his after-conduct, has shown him to be, what the Tories have always said, he was, a poor, weak-brained statesman, totally unworthy of the high and important office with which he had been entrusted, as Governor General and Principal Commissioner. This session which was the longest, that ever took place, if we except the second and fourth session of the first Parliament, was undoubtedly the most interesting. Lord Gosford was the first civilian, who had been sent to Canada as Governor; and from his speech, the unsuspecting were led to hope for many important reforms, if not even the eligibility of the Legis. Council. In its answer to the opening speech, the House did not forget to mention to the new Governor, that it was the actual desire of the great majority of the people of the Province, that the second branch of the Legislature should be, as well as the House of Representatives, under the immediate control of the people. His Excellency was informed, that the House did not view with satisfaction, the spoliation of the best part of the uncultivated lands, by speculators and jobbers, who had no permanent interests in the Province. Faithful to their trust, the members of the House of Assembly, set themselves at work, but the Legislative Council, also faithful to its particular object, rejected the best measures which were sent to them by the former body. Among which we may mention the bill to regulate the mode of concession, and to settle the arrears and dues in the seigniories, belonging to the Jesuit's Estates; the bill to appoint a Provincial agent; that to remove the troops from the cities during the elections, so as to prevent the renewal of such bloody scenes as that of the 21st May, 1832—the bill to regulate the qualification and summoning of jurors in Civil and Criminal matters;—to make a new division of the Province into Circuit courts—to leave to the people, the choice of Township and Parish officers—to render the salaries of public officers subject to be attached for debt—to regulate the notarial profession—to revise and re-print the Provincial Statutes and ordinances—to regulate the Post Office department—to recall the ordinance which forced the people to billet troops and to convey the munitions of war; to improve the harbor of Montreal; to give education to the people whom they found already too much enlightened on the subject of their political rights; to prevent the accumulation of too many passengers on board of vessels coming from Great Britain, which by their crowded and filthy state, had already introduced into the Province, contagious diseases. We shall not here name all the measures which were smothered by their Canadian Lordships but merely inform our readers, that thirty two bills were thus treated by that obnoxious body.

The House of Assembly voted thanks to the Honorable D.B. Viger, and to A. N. Morin Esq., the member for the county

of Bellechasse, for their great zeal, and for the highly creditable manner in which they had discharged their duties as Agents of that body, at the Imperial Government.

Complaints having been brought before the House of Assembly, against several high functionaries of the Province, a diligent inquiry was ordered by that body, into the conduct of those individuals who were thus accused. The Sheriff of the District of Montreal was found guilty of negligence in the discharge of his official duties, thereby occasioning the death of one of the prisoners confined in the jail under his superintendence; besides this, he was found to have been guilty of respect for committee of the House, instituted to inquire into his fees and salaries, and had so far forgotten himself that he voluntarily misrepresented facts. His removal from office, was asked of the Governor by the House. But Lord Gosford could not consent to this demand, until the accused have a chance of exculpating himself and after a long delay, this old pliant and humble tool of each successive local administration, met his reward by a dismissal from an office, which had always influenced his votes as a Legislative councillor. The Honorable William Bowman Felton, the Commissioner of the Crown lands, came in also for his share of justly merited accusations. He had embezzled public money and squandered and appropriated to his own use under different and specious pretexts, the public funds. His conduct as a public officer, was deemed so outrageous and unpardonable, as to induce the House, to ask from Lord Gosford, his immediate suspension from office to be followed by dismissal. But he had always been a devoted subject of the crown, whose interests he had supported by his votes and influence in the Legislative Council. The Governor refused the demand of the House, and it was a long time afterwards that this Honorable speculator and impostor, met his deserved fate. The jailer and the physician of the Montreal jail, who had been so neglectful of their respective duties as to allow a prisoner to die in one of the cells of the prison, from cold, hunger and sickness, were, also represented to the Governor, by the House, as unworthy of the respective situations which they occupied; but only the jailer was turned out, and the ignorant and brutal physician was kept in office for the purpose of tormenting those poor unfortunate political prisoners, that next year, were incarcerated in that jail. The appointment of Judge Gale was next considered by the House. He had openly shown himself to be a devoted partisan of the hateful and tyrannical administration of Lord Dalhousie. He had even crossed the Atlantic to defend that administration, and had been examined before the committee of the House of Commons on the affairs of Canada; his ignorance of the laws and state of the Province was such, as to render him an object of ridicule. As President of the Quarter Sessions, for the District of Montreal, he had shown partiality, as well as violent, passionate and most outrageous abuse of his power, to persecute those who did not support his master's administration. During the election at Sorel, in 1828, he had rendered himself guilty of bribery. On these representations the House asked his dismissal from the Judicial bench, but Lord Gosford said, that as these accusations related to facts, said to have been committed before his appointment as judge, he could not with propriety, assent to the demand of the House, and Judge Gale still remains a brilliant specimen of the learning and honesty of the judicial bench of the District of Montreal.

The Provincial Judge of the District of Gaspé, was proved to be a man of intemperate habits, and holding the balance of justice, but for a certain party of men in the District, whilst those who were opposed to him in politics or even in private life, were sure to be unjustly treated. His intemperance was so great, that he had been carried from the bench in a complete state of intoxication. Yet Lord Gosford, who